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Attorney for Plaintiff

**FILED**  
DISTRICT COURT OF GUAM  
JUL 24 2007  
MARY L.M. MORAN  
CLERK OF COURT

IN THE DISTRICT COURT OF GUAM

TERRITORY OF GUAM

FLORENCIA Q. LEWIS,	)	CIV. NO. 05-00026
	)	
Plaintiff,	)	(Federal Tort Claims Act)
	)	
vs.	)	PLAINTIFF'S MOTION TO
	)	CONTINUE TRIAL; DECLARATION
UNITED STATES OF AMERICA,	)	OF WAYSON W. S. WONG;
	)	JOINDER BY DEFENDANT;
Defendant.	)	CERTIFICATE OF SERVICE
	)	

PLAINTIFF'S MOTION TO CONTINUE TRIAL

Plaintiff Florencia Lewis, by and through her attorney, Wayson W. S. Wong, Esq., moves this Court for an order continuing the scheduled August 7, 2007 trial to another date certain, with the continuance of the pretrial deadlines pending in accordance with the Local Rules of this Court.

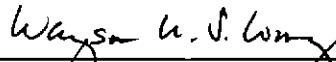
This motion is made pursuant to Rule 7 of the Federal Rules of Civil Procedure.

ORIGINAL

This motion is based on the record of this case and on the attached Declaration of Wayson W. S. Wong.

Plaintiff waives any hearing on this motion and asks this Court to decide it expeditiously.

Dated: Hagatna, Guam, July 24, 2007.

  
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Wayson W. S. Wong  
Attorney for Plaintiff

## TERRITORY OF GUAM

Defendant.

DECLARARTION OF WAYSON W.  
S. WONG

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arrangements have been or are in the process of being made, together with all types of video conferencing scheduling after hours (for those witnesses who are unable to appear in person).

4. Because of the difficulties in scheduling the witnesses to testify at trial, the parties need a date certain for the trial, as best as this Court can give.

5. Rather than again arrange for all of those witnesses to be available for a possible trial, it would be fairer, more economical and make much better sense to have another date certain scheduled for this trial.

6. Additionally, Mrs. Lewis' counsel has been in another trial in the Superior Court in Guam since May 21, 2007, which, according to the trial judge, may extend into 2008. That trial judge, in deference to the August 7, 2007 – trial date for this case and the expected 6 – 7 trial days estimated for this case, that trial judge ordered that trial to stop for the period it would take to try this case, based on such August 7, 2007 trial date. For planning purposes for that case, again, a date certain for this trial is needed.

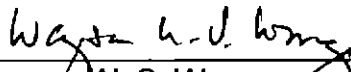
7. I am informed and believe that defendant's counsel also has depositions scheduled in California for the period after this trial was scheduled to take place.

8. The parties have had two settlement conferences and have made good progress toward settlement. A final settlement conference has been requested by both sides; however, the settlement conference judge has been off Island and I am informed and believe that he will not return until on or about August 8, 2007. Hopefully, the requested final settlement conference can be held shortly after that judge's return, and reasonable settlement can be reached,

avoiding the need for any trial. A continuance of the trial to a date probably will facilitate reasonable settlement and perhaps avoid the need for any trial.

I declare under penalty of perjury that the foregoing statements are true and correct.

Dated: Hagatna, Guam, July 24, 2007.

  
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Wayson W. S. Wong  
Attorney for Plaintiff

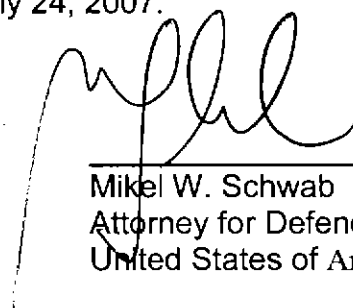
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	)	
Plaintiff,	)	(Federal Tort Claims Act)
	)	
vs.	)	JOINDER BY DEFENDANT
	)	
UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	
_____	)	

JOINDER BY DEFENDANT

Defendant United States of America, by and through its undersigned counsel, joins in and concurs with Plaintiff's Motion to Continue Trial. Defendant waives any hearing on this motion and asks this Court to decide it expeditiously.

Dated: Hagatna, Guam, July 24, 2007.



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Mikel W. Schwab  
Attorney for Defendant  
United States of America

IN THE DISTRICT COURT OF GUAM

TERRITORY OF GUAM

FLORENCIA Q. LEWIS,	)	CIV. NO. 05-00026
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vs.	)	CERTIFICATE OF SERVICE
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UNITED STATES OF AMERICA,	)	
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Defendant.	)	
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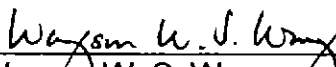
CERTIFICATE OF SERVICE

I hereby certify that on the date indicated below, a copy of foregoing documents was duly served by fax delivery and U.S. mail, postage prepaid, upon the following at the his last known address.

Mikel W. Schwab, Esq.  
Assistant U.S. Attorney  
Sirena Plaza, Suite 500  
108 Hernan Cortes Ave.  
Hagatna, Guam 96910

Attorney for Defendant

Dated: Hagatna, Guam, July 24, 2007.

  
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Wayson W. S. Wong  
Attorney for Plaintiff